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1938-1954

BIENNIAL REPORTS  
of the  
Librarian of the  
Montana State  
Law Library



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For the Years

1938 — 1954

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Mrs. Adeline J. Clarke

State Law Librarian

Montana State Library



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# BIENNIAL REPORTS

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For the Years

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**Mrs. Adeline J. Clarke**

State Law Librarian



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**REPORT OF THE LAW LIBRARIAN**  
**1938 - 1940**

Helena, Montana,  
November 30, 1940

To the Honorable Board of Trustees,  
Montana State Law Library.

Gentlemen :

I hereby submit to your Honorable Board the biennial report of the Montana State Law Library for the years from November 30, 1938 to November 30, 1940.

The total number of books accessioned during the past two years is 1,843, compared to 1,609 for the previous biennial period. This total includes 89 volumes of law journals and briefs bound in 1939. Excluding the latter, 865 volumes were received by way of gift and exchange, and 889 volumes were purchased. The total expenditure for books for the biennium was \$6,620.20.

New fields of law and the complete revision of some of the federal laws have necessitated the purchase of a number of new text books. The bankruptcy law and the new Rules of Procedure for District Courts have been changed so materially that many new texts have appeared on the market dealing with these subjects. The new Rules of Civil Procedure have caused much investigation by attorneys, and the library has bought the works of the best authorities on the subject, namely, Edmund's Rules of Civil Procedure, Moore, Ohlinger, Hughes, Cyclopedia of Federal Procedure Forms and Callaghan's Federal Rules Service; also Dyer-Smith on Federal Examinations Before Trial and Depositions Practice.

Declaratory Judgments is another field which is rapidly developing, and the two texts, Anderson and Borchard are being consulted frequently.

An expensive purchase that has been made is the new revision of Words and Phrases. The five editions consisting of 28 volumes have been revised into a permanent edition of 45

volumes. Heretofore, there has been no supplementary service to Words and Phrases, and as four or five years elapsed between editions, even the latest edition was never up to date. With the new permanent edition, pocket supplements will be furnished at least once a year and possibly quarterly.

During the biennium two more law journals have been added to the subscription list, which brings the total of legal and semi-legal periodicals received up to 48. Nine of these are being sent to the library without charge, and seven are paid for from appropriations made for the Legislative Reference Bureau.

The Index to Legal Periodicals to which the library subscribes, indexes 95 periodicals, and the Index prepared for the American Association of Law Libraries, indexes 139, showing that our library has only about one-third of the legal periodicals published, or one-half of the most outstanding publications. Some of the recent text books are including tables of articles appearing in the various law journals, and Shepard's Citators are citing them. For these reasons, it is important that the library have as many legal periodicals as possible. The value of a well written legal periodical articles has long been recognized, and the fact that topics growing out of expanding sociological and governmental developments are treated therein, makes them one of the most used collections in the library.

As stated in the last biennial report, the library has discontinued its subscriptions to the quarterly supplements of Shepard's state Citators with one or two exceptions, with the idea of using the money saved for the purchase of permanent bound volumes of citators for the states for which it did not have this service. The plan has worked very well and without inconvenience to anyone so far as known. A saving of about \$145.00 was accomplished, and the citators for New Jersey, North and South Dakota have been added to the library this year. It is the intention to buy one or two citators each year, until all the states are covered.

The rather large project of rewriting the card index has been started. It is almost twenty years since the cards have been revised, and many corrections have been found necessary. There are approximately 10,000 cards in all, and to date about 2,000 have been revised and rewritten. The guide-cards are also being replaced, and the appearance of the index greatly improved.

Complying with the request of the librarian and the recommendation of your Honorable Board, the twenty-sixth Legislative Assembly increased the percentage of the fees allotted to the Law Library from the fees collected by the Clerk of the Supreme Court from 20 per cent to 50 per cent. From this source the sum of \$1,381.49 was realized for the years 1939-1940.

The transfer from the Attorneys' License Fund was the sum of \$3,419.14 which is about half of the amount derived from that Fund in 1937-1938. Accordingly, the balance in the Law Library Fund is the lowest it has ever been, \$2,811.53, although the expenditure for books for the past biennium was \$775.54 less than it was for the years 1937-1938. A balance of \$745.48 remains in the Attorneys' License Fund which will be transferred to the Law Library Fund on March 31, 1941, if unexpended at that time.

The budget request for legislative appropriations for operating expenses was very moderate. Four hundred dollars was asked for each year for operating expenses; four hundred dollars for repairs and replacements the first year and two hundred dollars the second year and seventy-five dollars each year for the Legislative Reference Bureau. The cost of binding is paid out of the repairs and replacements appropriation the first year of the biennium, which accounts for the larger appropriation for that year. In 1939, 73 volumes of law journals and 16 volumes of briefs were bound, and 9 miscellaneous volumes rebound at a total cost of \$243.57.

Pursuant to the annual request of the State Purchasing Agent, the librarian has furnished him with an inventory of the property in the Law Library, together with an estimate of its value. The estimated value of the library including furnishings and fixtures, was placed at \$594,429.00. The books were valued at \$550,000.00. The estimated number of books in the library is 72,361.

This is an era of unusual expansion along sociological, economic and industrial lines, and courts are writing opinions every day applying the law to conditions to which it was never applied before. Legislatures are enacting new legislation to meet changing conditions. Writers on law themes, economics and sociology are constantly producing treatises upon subjects of current legislation and its application. It is essential that the library

keep abreast of the times and so make accessible to the bench and bar, as well as the layman, the legal literature of the day.

Special attention has been given to securing prompt reporting of the acts of Congress and the opinions of the United States Supreme Court with the result that both the acts and opinions are now received many weeks earlier than formerly.

With the increasing powers of numerous federal administrative boards and commissions, more weight is being given to the decisions, ruling and orders of these semi-judicial bodies, and we are finding it advisable to start several new sets of reports such as the Reports of the Securities and Exchange Commission, Reports of the Federal Communications Commission, Reports of the Federal Power Commission, the Opinions and Orders of the National Relations Labor Board, etc. These are all sent to the library gratis upon application to the Superintendent of Public Documents.

The library is well up to date in the various state revisions and session laws as it is in all the above mentioned branches, and can meet creditably any demands that may be made upon it.

Respectfully submitted,

ADELINE J. CLARKE,

State Law Librarian.



## REPORT OF THE LAW LIBRARIAN

1940 - 1942

Helena, Montana,  
November 30, 1942.

To The Honorable Board of Trustees,  
Montana State Law Library.

Gentlemen :

As provided by law, I hereby submit to your Honorable Board the biennial report of the Montana State Law Library for the years of November 30, 1940 to November 30, 1942.

Fifteen hundred and forty-one volumes were added to the library during the past two years, seven hundred and twenty-eight volumes being received by way of gift and exchange and eight hundred and thirteen volumes by purchase. The total expenditure for books and continuations for the biennium was \$5,170.69. In addition, seventy-one volumes of law journals were bound in 1941, and fifteen volumes of briefs of the Montana Supreme Court, bringing the total number of volumes accessioned up to sixteen hundred and twenty-seven compared to eighteen hundred and forty-three for the previous biennium.

It has been the policy of the Library to add to our law review collection each year until all the important publications are obtained. Consequently complete sets of four new law journals have been purchased recently, The University of Chicago Law Review, The Rocky Mountain Law Review, The Wisconsin Law Review and The Oregon Law Review.

Frederick C. Hicks, Professor of Law and Librarian of Yale Law School in his revised edition of "Materials and Methods of Legal Research" says:

"Much less than one would suppose are law school periodicals mere college journals. Only a few of them in fact have a local flavor or devote much space to law school news and activities. On the contrary they are mostly high grade technical journals of either national or state-wide scope. Some of them deal occasionally with comparative and international law. They

contain contributed articles by writers of note, extended analysis of important decisions, studies of current legislation, brief notes of current decisions, and book reviews.

"Criticism and research are the most important functions of legal periodicals. They have to do with the whole history of the law, past, present and future, and in the performance of them use is made not only of all legal materials associated with other functions, but of great masses of material quite outside of the technical field of the law. Opportunity to publish such articles stimulates to research in narrow topics, thus bringing to legal development the aid of many minds whose work is co-ordinated by those who have the training, capacity, skill, leisure and inclination to devote their lives to writing and research. In one legal periodical or another nearly every vital topic of the law thus receives attention. The periodical writer has the opportunity for unbiased statement of the results of honest research, and he is at liberty to affiliate his legal researches with researches in related fields outside the law.

"Legal periodicals have always arrogated to themselves the privilege of criticising the activities of lawmakers, be they judges or legislators, and this is especially true of American periodicals. Such criticism is today welcomed by the courts, a fact which is shown by the increasing number of references in the opinions of judges to constructive critical articles in legal periodicals. Such articles are very effective formative influences producing change in law. There is no longer justification for the remark of Professor Wigmore in the preface to volume five of his *Evidence* (1915) where he says that judges do not read, or if they read, do not cite, 'weightiest critiques of current legal problems' contained in legal periodicals, preferring bound volumes which contain 'the superficial products of hasty hack writers, callow compilers, and anonymous editors.'

"An investigation (So. Cal. Law Rev. 3:181) shows that in approximately one year, 60 American judges in 80 different opinions cited articles and case comments 161 times. Twenty-seven different law reviews were cited. Because of this growing tendency, citations of cases in comments and case note printed in legal periodicals are now included among the citations in some of Shepard's citation books. This is a modification of the original purpose of citation books, which was to show references to cases in subsequent cases."

Shepard's citators are one of the most used tools in the library, and the citators for nine additional states have been purchased. Some of these are not up to date, having been selected from second-hand lists, but the volumes purchased cover the citations of the early cases prior to the publication of the National Reporter System, which is one of the most needed services.

Two of the larger purchases in the past two years, are those of the Federal Digest, 72 volumes, and the Montana-Pacific Digest, 2nd series, 15 volumes.

After several years of buying a few volumes here and there, a complete set of the U. S. Treasury Decisions has been assembled. The decisions of the U. S. Legislative Courts and Boards are being called for with increasing frequency, and in addition to the Treasury Decisions, the library now has complete sets of the Court of Claims Reports, The Board of Tax Appeals Reports, The Public Land Decisions, The Interstate Commerce Commission Reports and several sets of recent publication.

Due to the diligence of the Clerk of the Supreme Court in pressing collections of attorneys license fees, the book fund has been substantially increased. However, in contemplation of a falling off of this source of revenue owing to the military service of a number of attorneys, the time seems opportune to ask the legislature to allot to the Law Library all of the fees collected by the Clerk of Supreme Court instead of fifty per cent as the law now provides.

An improvement in the lighting of the upper stacks in the library has been accomplished at low cost by the installation of glass shades designed to diffuse the light. A new system of lighting should be installed in the whole library, but on account of shortage of materials, this work will have to be postponed until a later date.

The library is well up to date in the state statutes and new text books, and has subscribed to several loose-leaf services on new and expanding subjects. Less money has been spent this biennium than in the preceding one, but the library has not suffered by the economy. It is up to date in every respect and has made considerable headway in filling in many gaps in various collections.

Respectfully submitted,

ADELINE J. CLARKE  
State Law Librarian.

## REPORT OF THE LAW LIBRARIAN

1942 - 1944

Helena, Montana,  
November 30, 1944.

To The Honorable Board of Trustees,

Montana State Law Library

Gentlemen:

As provided by law, I hereby submit to your Honorable Board the biennial report of the Montana Law Library for the years of November 30, 1942 to November 30, 1944.

Nine hundred and ninety volumes were added to the Library during the past two years, of which four hundred and twenty-eight were purchased, and five hundred and fifty-three were received by gifts and exchange. The number of books received during this biennium period is considerably less than in any period in which I have been connected with the Library, the reason probably being the curtailment of publishing during war-time. The total expenditure for books and continuations for this biennium was \$4,923.70. In addition, sixty-eight volumes of Law Journals, and eleven volumes of Lawyers Briefs were bound in 1943, at a cost of \$214.61, bringing the total number of volumes accessioned during the biennium to one thousand and sixty-nine.

The State Treasurer's office shows a balance in the Law Library Book Fund in the amount of \$4,627.45, as of November 30, 1944. However, for some reason, the State Treasurer failed to transfer the balance of moneys remaining in the Attorney's License Fund March 31, 1944, amounting to \$2,177.45, to the Law Library Book Fund. Such transfer should have been made in accordance with Section 8860 Revised Codes, and the State Treasurer now informs me that it will be taken care of immediately. When this transfer is made, the book fund will have a total balance of \$6,804.90. This book fund balance shows an increase of about \$800 over the balance at the end of the last biennium, which increase is due to the added fees the library now gets from the Clerk of the Supreme Court, as provided by

Chapter 112 of the 1943 Session Laws. In 1943, the Clerk of the Supreme Court collected and turned over to the Library \$1,027.22 in fees; and up to December of this year \$879.80 has been obtained from this same source. And as stated above, as soon as the State Treasurer's processes function according to law, the further sum of \$2,177.45 from the Attorney's License Fund will have been received.

During this biennium we have continued the policy of buying permanent editions of Shepard's Citations for the various states. These are expensive, but by buying a few each year the expense isn't too heavy, and we will soon have a complete set of state citators. Also, we have kept up to date in all revisions and supplements of state statutes, having received some fine revisions by way of exchange.

This spring we cleared a lot of valuable shelving space by giving several hundred old state digests to the scrap drive. However, shelving throughout the library is gradually becoming filled, and by the end of another biennium the crowded condition will be a problem. We are advised that the Art Metal Company, designer and manufacturer of our present shelving, plan to have a representative call on us early in the year 1945. When he comes, I would like to have the members of the Board confer with him, and get some ideas on how new shelving can be added. Then, if there are any interim postwar-planning committees established by the coming legislature, the library's needs can be among those to be considered.

The activities of the library have been affected by the war in several ways. There is a noticeable reduction in the number of law books published, and the bookbinderies are so understaffed that this library has had to postpone binding and rebinding to a certain extent until conditions change. There has been a decided decline of the library's service of its materials to readers, due to the absence of many of the younger men now in service, and also due to the restrictions on travel of lawyers living in distant parts of the state. Nevertheless, the library is keeping well abreast of the times, and is well prepared to meet the demands of the members of the legislature and the Bench and Bar.

Respectfully submitted,

ADELINE J. CLARKE,  
State Law Librarian.

## REPORT OF THE LAW LIBRARIAN

1944 - 1946

Helena, Montana,  
November 30, 1946.

To The Honorable Board of Trustees,  
Montana State Law Library.

Gentlemen:

As required by law, I hereby submit to your Honorable Board the biennial report of the Montana State Law Library for the years of November 30, 1944 to November 30, 1946, inclusive.

During the past two years, eleven hundred and twenty (1120) books have been added to the library; five hundred and fifty-six (556) by way of gift and exchange, and five hundred and sixty-four (564) by purchase. This is an increase of only one hundred and thirty volumes over the previous biennium, showing that the wartime restriction on publishing is still having its effect on the number of legal texts offered. We have bought all the new text books of merit that have been published since the last biennial report, as well as pocket supplements to many leading texts, which bring them up to date.

The largest expenditure made, was for Shepard's Citations of the various state reports. After years of piece-meal buying of the citations, the library finally, by a large purchase, has completed its collection and now has the Citations for all of the States. The Citators are probably the most valuable means of legal research published, and the library is proud to offer this collection to the attorneys of the State as this is, without doubt, the only place where all the Citators can be consulted.

The total expenditure for books for this biennium was approximately \$5,577.49. In addition, fifty-one volumes of law journals and 17 volumes of briefs were bound, and 32 volumes of House and Council Journals were rebound at a total cost of \$252.10, which amount was appropriated by the Legislature for that purpose.



The last Legislative Assembly also complied with our request to allot all the fees collected by the Clerk of the Supreme Court to the Library Book Fund instead of fifty percent (50%) as heretofore. This increase in income has enabled the Book Fund to increase slightly, and the present balance in it is \$6,034.37. In the Attorney's License Fund, there is now \$2,079.44 which will be transferred to the Library Book Fund March 31. There may be some outstanding claims against this Fund, but enough will be transferred to make the Library Book Fund larger than it has been for some years. Financially the library is in better condition than it has ever been as its support is assured under the present law giving it the fees from the Clerk's office.

In the last biennial report, your librarian stated that the installation of additional shelving in the library would be a necessity in another two years, but the paper scrap drives have provided an opportunity to discard enough antiquated and useless sets of selected cases and old digests, that it appears now, after a shifting of almost the whole library, that the present shelving will take care of the growth of the library for five or six years. This is gratifying as the Art Metal Company that installed the metal shelving, has not reconverted sufficiently from the war emergency to resume its former manufacture of library equipment to any great extent.

The lighting system in the library is inadequate, as you know, but due to lack of material during the war period, nothing could be done to improve it. But now, an estimate is being made to install a lighting system in the ceiling similar to the one just completed in the House of Representatives. As soon as the estimate is completed, it will be submitted to your Honorable Board, and I trust that it will meet with your approval and that it will be presented to the Legislature with a request for the necessary appropriation.

The revising and rewriting of the card catalogue has been completed, and its appearance is greatly improved, and its use simplified by the elimination of many outdated references.

Mr. John W. Ross, who had been Assistant Law Librarian since 1937, resigned in September, 1945, to engage in the practice of law in Fromberg, Montana. It was with the deepest regret that his resignation was accepted, but his place has been most

ably filled by Miss Betty Ann Sias, who was appointed in November, 1945.

It has been a pleasure to welcome back many of our young attorneys who have been in the military service, and to do what we can to help them reinstate themselves in their legal careers. The library seems to be meeting all of their requirements, as well as those of the State's attorneys and visiting lawyers, and the demands of the forthcoming session of the Legislative Assembly have been considered, so that the library and Legislative Reference Bureau may be of substantial assistance to those who require their service.

Respectfully submitted,

ADELINE J. CLARKE,  
State Law Librarian.



## REPORT OF THE LAW LIBRARIAN

1946 - 1948

Helena, Mont.,

November 30, 1948.

To The Honorable Board of Trustees,

Montana State Law Library.

Gentlemen:

It is my pleasure to report herewith the activities and condition of the Montana State Law Library for the period November 30, 1946 to November 30, 1948.

During the past two years, 1161 books have been added to the library; 553 by way of gift and exchange, and 608 by purchase. This number includes 62 volumes of law reviews and 19 volumes of briefs which were bound in 1947, and the total expenditure has been \$5,676.69. The subscription price to most of the legal periodicals has been increased, and the average cost of law books is approximately one dollar per volume higher than it was two years ago. The largest single expenditures have been for the U. S. Tax Court Memorandum Decisions published exclusively by Prentic-Hall, Inc., and for the statutes of several of the states which do not publish their statutes officially.

This year marks the 75th year since the Legislative Assembly made its first appropriation for the purchase of books for the Law Library, and it is interesting to consider the early effort to establish a Law Library, and how slowly it was accomplished.

The amount provided in 1873 was \$200 per annum and the justices of the Supreme Court under whose supervision the money was to be expended, might be required to "give security for its faithful application" if the territorial auditor, who was also librarian ex-officio, so determined. This appropriation continued through the year 1878. For the years 1879 to 1882 the appropriation was \$100 per annum, and for the succeeding two years, \$300 annually. At this rate, it would have taken 750 years

instead of 75 to accumulate our present library, but in 1883, the legislature made the first substantial appropriation in the sum of \$2,000. From that time up to 1922, the legislature made approximate annual appropriations for the purchase of law books, but in 1922, these appropriations were discontinued, and since that time the library has been supported by the attorneys license fees and the fees collected by the clerk of the Supreme Court.

Some idea of the early effort to acquire a law library may be gained from the message of Territorial Governor Potts to the Legislative Assembly when he said: "The report of the library board for the years 1874-75 contains no information as to the condition of the library except that the books are scattered, and that the appropriation of 1875 has not been expended. It appears to me that you should not hesitate to provide a law for the organization of a territorial library, with rules and regulations for its government . . . and a librarian appointed to call the books together." The Legislature took no steps, however, to follow these recommendations until the Act of 1881, which created the "Montana Library."

With the steady addition of books to the library, the problem of shelving them is an ever-present one. The decisions of the various state courts constitute the major portion of our library and will continue to grow ad infinitum. Much has been written about the verbose opinions rendered by the appellate courts, humorously and otherwise, and this story is told of the great Chief Justice Mansfield. A friend, a general in the army, came to him in perplexity saying that he had been appointed governor of a West Indian island, which made him very happy until he found that he was not only to be commander-in-chief, but that he was likewise required to sit as chancellor and decide causes, whereas, he was utterly ignorant of the law and had never been in a court of justice in his life.

Lord Mansfield said to him, "Be of good cheer, take my advice, and you will be reckoned a great judge as well as a great commander-in-chief. Nothing is more easy: only hear both sides patiently, then consider what you think justice requires, and decide accordingly. But **never** give your reasons—for your judgment will probably be right, but your reasons will certainly be wrong."

This might be one solution for cutting down on the size and number of law reports and solve in part the shelving problem,

but as long as legislatures require courts to "state the grounds of their decisions" they should be willing to equip their law libraries accordingly. At any rate, more shelving is needed in the library, and \$700 is being requested in the legislative budget.

The lighting system is about installed at a cost of \$3,110.00. As approved by the board of trustees of the Law Library, it is to be paid for from the Book Fund, and a deficiency claim is to be presented to the Legislature to reimburse the Book Fund.

There have been changes in the personnel in the library since the last biennial report. Betty Ann Sias resigned July 1, 1947, and was succeeded by Mary Lois Petersen who served until September 15, 1948, when following her resignation, Mary E. Hughes became assistant law librarian.

The motto of the Library Association of America originally was "The best books for the most people at the least cost." Later it was amended so that it read "The best books for the most people at **any** cost." I do not believe that many libraries have the means to acquire every book at **any** cost, but this can be off-set by the judicious selection of books, and a finer library will result. This library does not claim to have every law book published, but the selection has been such that it can usually meet the needs of any of its users. To complement the book collection is the library reading-room, which from an artistic standpoint is rare among libraries, and which with its equipment and furnishings complete a library that Montana can be proud of.

Respectfully submitted,

ADELINE J. CLARKE,  
State Law Librarian.

## REPORT OF THE LAW LIBRARIAN

1948 - 1950

Helena, Montana,  
November 30, 1950.

To The Honorable Board of Trustees,  
Montana State Law Library.

Gentlemen:

Submitted herewith is a brief report of the affairs of the Montana State Law Library for the period beginning December 1, 1948 and ending November 30, 1950.

During the past biennium, 1429 books have been added to the library; 622 by gift or exchange, and 767 by purchase at a cost of \$7,265.28. This is an increase of 268 volumes over the previous biennium, and the amount spent is \$1,589.19 more than was spent in 1947-1948.

Regardless of the increased cost of law books and subscriptions to periodicals and services, the high standing and efficiency of the library is being maintained, if not increased. With the prospects of further rising costs, considerable funds will be required, and it is a great satisfaction that the library is financed by a revolving fund, and is not dependent upon legislative appropriations. Even with the increased expenditure of the last two years, the Book Fund is growing and the present balance is \$12,301.45, which is the largest it has ever been.

With the growth of the library, the need for more shelf space has become urgent, and with the approval of the Board of Trustees, an order was placed in June 1950, with the Art Metal Company for steel shelving to cost \$2,969.51 without freight or installation. Considerable rearranging has been done recently in anticipation of further moving of books when the new installations are completed.

The lighting system which was installed two years ago has proved satisfactory and a very great improvement over the old lights. Contrary to the intention to pay for it from the Book

Fund, it was paid for from the General Fund by order of the Supreme Court.

Miss Mary E. Hughes, who became assistant law librarian October 1, 1948, resigned September 1, 1950, and was succeeded by Miss Katherine Orchard on October 1. It has been the policy of the library staff to try to render prompt, efficient and courteous service to all users of the library, and it is our aim to adopt new ways and means to improve it. In this connection, we sincerely invite your criticism, and suggestions of a constructive character.

Respectfully submitted,

ADELINE J. CLARKE,  
State Law Librarian.

## REPORT OF THE LAW LIBRARIAN

1950 - 1952

Helena, Montana,

November 30, 1952.

To the Honorable Board of Trustees,

Montana State Law Library.

Gentlemen:

As required by law, the state Law Librarian herewith submits the biennial report of the affairs and condition of the State Law Library for the period from December 1, 1950, to December 1, 1952.

The report is mainly financial as there have been no outstanding additions to the book collections, nor has there been any departure in library administration. During the biennium, 1337 books have been added to the library; 572 by gift or exchange, and 765 by purchase at a costs of \$8,179.91. This is an increase of \$914.03 for practically the same number of books purchased during the past biennium, which averages about \$1.30 per volume over the cost of two years ago. With the rising cost of all commodities, this increase does not seem out of line.

Financially, the library has not been stinted, and all the publications that have been considered useful or of permanent value have been acquired. All of the new texts, and several runs of law journals have been purchased, and many texts and digests are being kept up to date by pocket supplements.

The five new sections of steel shelving which were installed in March 1951, have relieved the crowded condition in many sections of the library, and have provided ample space for an estimated ten years expansion. The shelving was paid for from the Book Fund in the amount of \$3,697.46. In spite of this large expenditure, the Book Fund has increased since two years ago, and now amounts to \$12,490.33.

The fact that the library has since 1943 been receiving all of the fees collected by the Clerk of the Supreme Court, after

deductions for certain expenses incurred by bar examination, etc., has been of the greatest benefit to the library. When the library was receiving only twenty percent of the fees (1895-1939) the amount was not adequate for the library's needs. Conditions were improved in 1939 by the allotment of fifty percent of the fees, and now that the library receives all of the fees, it is in a position to furnish the court and attorneys the best in legal publications.

The Montana State Law Library has been built up on an unusually sound foundation provided by two scholarly members of the early Montana Bar, Mr. Oliver T. Crane and Mr. Ashburn K. Barbour, who as librarians had the understanding and foresight to acquire the fundamentals when they were available. Our collection of session laws, law journals and state reports is not to be duplicated in many state libraries.

The law library is the Montana lawyers' own institution, both by usage and support, and the more it is used, the more it is appreciated. It is the aim of the staff to furnish the legal facilities to meet all demands present and future and to render the best service of which it is capable.

Respectfully submitted,

ADELINE J. CLARKE,  
State Law Librarian.



## REPORT OF THE LAW LIBRARIAN

1952 - 1954

Helena, Montana,  
November 30, 1954.

To The Honorable Board of Trustees,  
Montana State Law Library,  
Helena, Montana.  
Gentlemen:

Complying with the statute, the State Law Librarian herewith submits the biennial report of the affairs and condition of the State Law Library for the years beginning December 1, 1952, and ending November 30, 1954.

During the biennium the library has accessioned 1274 volumes, 595 received by gift and exchange, and 679 by purchase. The total cost of \$8,228.58 was paid from the Book Fund. Included in the number of books purchased are 158 volumes of law journals, the binding of which amounted to \$529.91 and which was paid for from legislative appropriations.

Several runs of legal periodicals have been added to the library, some of the volumes being reprints, as many early volumes are out of print, and it is necessary to substitute reprints to make the sets complete. The two indexes to legal periodicals to which the library subscribes open up a wealth of articles dealing with vital legal topics and related fields outside the law. Much less than one would suppose are these law reviews mere college journals. On the contrary they are mostly high grade technical journals of either national or state-wide scope. Many of the articles are by writers of note, and important court decisions are analyzed and sometimes criticized, and many current decisions are noted. Shepard's citators are referring with greater frequency to comments and case notes printed in legal periodicals, which makes it more necessary to have as complete a collection as possible. The library's collection has grown into a very creditable one.



The statute section has been rearranged to relieve its crowded condition, and numerous recent purchases of state statutes have been made to bring the collection up to date. Many of the states are expanding their statutes into large sets of from eight to twelve or more volumes which makes the shelf space a problem.

A small section of steel shelving was purchased by funds from the Book Fund at a cost of \$423.00. All of the shelving in the library now is of steel, and space seems adequate for several years, although it is filling up more rapidly than anticipated.

The new lights which have been installed between the book stacks on the main floor are a great improvement over the old lighting. However, new fixtures are more badly needed in the mezzanine than they were on the main floor and it is hard to understand when so much money is being expended on lighting that it is not spent where most needed.

The deposits in the Book Fund are exceeding our expenditures which makes it possible for the library to buy anything needed by the court and attorneys. All of the current legal publications are being purchased, and most of them are being kept up to date by pocket supplements and replacement volumes.

There have been no changes in personnel and the library has operated uneventfully, and we hope satisfactorily for its patrons.

Respectfully submitted,

ADELINE J. CLARKE,  
State Law Librarian.

November 30, 1954.





